

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 96-01175

COUNSEL: NONE

HEARING DESIRED: YES

Applicant requests that his records be corrected to reflect that he was not honorably discharged from the Air Force Reserve for failure to reply to official correspondence. Applicant's submission is at Exhibit A.

The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The advisory opinion was forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

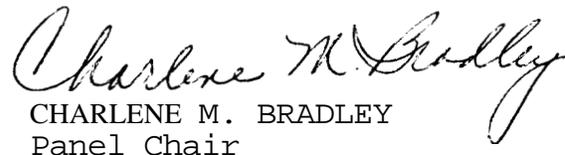
After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinion appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issues involved. Therefore, the request for a hearing is not favorably considered.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Ms. Charlene M. Bradley, Mr. Richard A. Peterson, and Mr. Henry Romo, Jr., considered this application on 27 Jan 98 in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.

  
CHARLENE M. BRADLEY  
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. SAF/MIBR Ltr Forwarding Advisory Opinion



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR RESERVE PERSONNEL CENTER

27 JUN 1996

## MEMORANDUM FOR AFBCMR

1535 Command Dr EE Wing 3rd Floor  
Andrews AFB MD 20331-7002

FROM: HQ ARPC/DPAD  
6760 E Irvington Pl #1700  
Denver CO 80280-1700

SUBJECT: Application for Correction of Military Records [REDACTED]

1. The requested correction cannot be accomplished administratively at this headquarters.

2. The applicant requests copies of correspondence that he failed to reply to, that resulted in his discharge.

3. The following is an analysis of the case:

a. The applicant was discharged on 4 June 1957 per Reserve Order Number 35, 4 June 1957, for failure to reply to official correspondence. The correspondence he has requested involves the Air Force offering him an indefinite appointment in the United States Force Reserve. If a response was not received, the member was discharged for failure to reply to official correspondence. He feels his discharge was unjust since he recalls receiving no correspondence offering him an indefinite appointment or any other correspondence that he failed to reply to.

b. A copy of the letter sent to the member is not part of his Military Personnel Record. However, the Reserve Order is in his record and clearly states he failed to reply to official correspondence and was subsequently discharged. The military personnel record maintained for each member does not include a copy of every piece of correspondence that was generated for that member. Furthermore, the time to question any action taken was in 1957, not 1994. Per his military pay record, he was awarded a payment of \$300.00 for "mustering out", and he could have raised the issue of his discharge at that time.

c. [REDACTED] military record was audited on 25 August 1994 to determine if he was eligible for Reserve retired pay. To establish eligibility for retired pay at age 60, a member must have completed a minimum of 20 years of satisfactory federal service. His record indicates he has 14 years, 8 months and 14 days of honorable service; however, only 6 years, 9 months and 10 days of this time is creditable as satisfactory years of service for retirement. This was explained to him through his elected official the Honorable [REDACTED] on 9 September 1994. Unless [REDACTED] has additional documentation in his possession that would change our audit, he is not eligible for Reserve retired pay or any benefits associated with such pay.

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4. Recommendation: That the discharge of 4 June 1957 remain in effect. Since the correspondence in question does not exist, a copy cannot be furnished. The only document to substantiate the discharge action is the Reserve Order Number 35, 4 June 1957, which the member has in his possession. The member was discharged effective 4 June 1957 for failure to respond to official correspondence and is not eligible for retired pay at age 60, or any benefits associated to retired pay at age 60.

5. If you have any questions, please contact Joan Daniels at DSN 926-6366 or by E-mail: [jdaniels@arpc-emh1.den.disa.mil](mailto:jdaniels@arpc-emh1.den.disa.mil).

[REDACTED]

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